

BroadNet
The BroadNet Alliance

1211 Connecticut Avenue, NW
Suite 608
Washington, DC 20036
202.496.1000
www.broadnetalliance.org

FILED ELECTRONICALLY

March 5, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12 Street, SW
Washington, DC 20554

Re: CC Docket No. 02-33 -- Appropriate Framework for Broadband Access to the Internet
over Wireline Facilities
Ex Parte Communication

Dear Ms. Dortch:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, on behalf of The BroadNet Alliance (BroadNet), I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.

Yesterday, members of the BroadNet Alliance, Dave Baker of Earthlink, Rick Whitt of WorldCom, Steven Teplitz of AOL TimeWarner and I met with Commissioner Kevin Martin, Senior Legal Adviser Dan Gonzalez and Legal Adviser Catherine Crutcher Bohigian regarding the wireline broadband proceeding. Mark O'Connor, counsel for Earthlink, was also in attendance.

BroadNet representatives explained the fundamental importance of the Computer Inquiry Rules to digital subscriber line (DSL) technology and to the accessibility of broadband to all users. These principles of non-discriminatory access, in fact, are precisely the forward-looking FCC policies that allowed the commercial Internet to develop in the first place. As the utilization of the underlying monopoly-controlled infrastructure is virtually the same for DSL as it is for dialup, these rules are as critical to the development of broadband and they have successfully been for narrowband.

BroadNet explained that, because the recently completed triennial review proceeding appears to have granted the Bell companies all of the deregulatory relief they sought, there no longer is an logical policy justification for adopting the tentative conclusions in the wireline broadband proceeding. Indeed, the very genesis of the Computer Rules was deregulatory, as they focused

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regulatory attention only on the basic telecommunications inputs and allowed the Bell companies to participate in a market previously closed off to them. The resulting success -- an explosion of Internet access and services, the World Wide Web, and 7,000 Internet Service Providers (ISPs) -- bodes well for the future of broadband, should those rules be maintained.

Finally, in contrast to the numerous public interest benefits of retaining and enforcing the Computer Rules, BroadNet representatives pointed out that the Bell companies themselves have failed to produce any tangible evidence that continued adherence to these rules is in any way harmful to them, or to the development of broadband in general. Moreover, as the ISP industry is often the front-line "sales force" for DSL, they will remain key to the most efficient and widespread deployment of broadband across America.

If there are any questions regarding this submission, please contact me at the above number.

Respectfully submitted,

Maura Colleton Corbett
Executive Director

Cc: Commissioner Kevin Martin
Daniel Gonzalez
Catherine Crutcher Bohigian
Christopher Libertelli
Michele Carey
Scott Marcus
Robert Pepper
Robert Cannon
Jeremy Miller
Brent Olson
Tom Navin
Julie Veach